

**Baker & Hostetler LLP**

45 Rockefeller Plaza  
New York, NY 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
David J. Sheehan  
Nicholas J. Cremona  
Dean D. Hunt

*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC and  
the Chapter 7 Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ESTATE OF BERNARD J. KESSEL; THE  
BERNARD KESSEL INC. PENSION PLAN AND  
TRUST; RICHARD KESSEL, in his capacity as  
Successor Executor of the Estate of Bernard Kessel  
and Successor Trustee of the Bernard Kessel Inc.  
Pension Plan and Trust; THE ESTATE OF IRIS  
STEEL; and STEPHEN J. KRASS in his capacity  
as Executor of the Estate of IRIS STEEL,

Defendants.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-05144 (CGM)

**NOTICE OF MEDIATION REFERRAL**

On November 10, 2010, this Court entered the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order (the “Order”)<sup>1</sup> [Adv. Pro. No. 08-01789 (CGM), Dkt. No. 3141]. Pursuant to the Notice of Applicability filed by Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), in this Adversary Proceeding on November 30, 2010 [Dkt. No. 2], the Order and the avoidance procedures contained therein (the “Avoidance Procedures”) are applicable to the instant matter.

Pursuant to the Avoidance Procedures, the Trustee and Defendants may jointly agree to enter mediation without further court order. Avoidance Procedures, ¶ 5A. Through this Notice of Mediation Referral, the Trustee and Defendants (the “Parties”) hereby agree to be referred to mediation at this time.

Pursuant to the Avoidance Procedures, the Parties agree that within 14 calendar days after the filing of this Notice of Mediation Referral, the Parties shall choose a mediator in accordance with the Mediation Order. If the Parties are unable to agree on a mediator, the Court shall appoint one in accordance with the Mediation Order. Avoidance Procedures, ¶ 5C.

---

<sup>1</sup> All terms not defined herein shall be given the meaning ascribed to them in the Order.

Dated: December 1, 2021  
New York, New York

Of Counsel:

**BAKER & HOSTETLER LLP**

811 Main, Suite 1100  
Houston, Texas 77002  
Telephone: (713)751-1600  
Facsimile: (713)751-1717  
Dean D. Hunt  
Email: [dhunt@bakerlaw.com](mailto:dhunt@bakerlaw.com)  
Farrell A. Hochmuth  
Email: [fhochmuth@bakerlaw.com](mailto:fhochmuth@bakerlaw.com)

**BAKER & HOSTETLER LLP**

By: /s/ Nicholas J. Cremona  
45 Rockefeller Plaza  
New York, New York 10111  
Telephone: 212.589.4200  
Facsimile: 212.589.4201  
David J. Sheehan  
Email: [dsheehan@bakerlaw.com](mailto:dsheehan@bakerlaw.com)  
Nicholas J. Cremona  
Email: [ncremona@bakerlaw.com](mailto:ncremona@bakerlaw.com)

*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities  
LLC and the Chapter 7 Estate of Bernard L.  
Madoff*

**ROSENBERG FELDMAN SMITH, LLP**

By: /s/ Richard B. Feldman  
551 Fifth Avenue, 24<sup>th</sup> Floor  
New York, NY 10176  
Telephone: 212.682.3454  
Facsimile: 212.867.9045  
Richard B. Feldman  
Email: [rfeldman@rfs-law.com](mailto:rfeldman@rfs-law.com)

*Attorneys for Defendants Estate of Bernard J.  
Kessel, the Bernard J. Kessel Inc. Pension  
Plan and Trust, Richard Kessel, in his  
capacity as Successor Executor of the Estate  
of Bernard Kessel and Successor Trustee of  
the Bernard Kessel Inc. Pension Plan and  
Trust, The Estate of Iris Steel, and Stephen J.  
Krass in his capacity as Executor of the  
Estate of Iris Steel*